IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 203 of 2006

SMT.SARJU DEVI & ORS.
V/S
MOTI RAM

Mr. BASTI CHAND, for the appellant / petitioner

Mr. B S CHARAN, for the respondent

Date of Order : 17.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, perused the record.

Admittedly, the northern portion of the property was acquired by the plaintiff vide Ex.A/1, and southern portion of the property was purchased by the plaintiff vide Ex.A/2, and in Ex.A/1, way is shown towards the south, while in Ex.A/2 way is shown towards the north. Learned counsel for the appellant was repeatedly asked to point out, as to which is this way shown in the south in Ex.A/1 and in north in Ex.A/2, in the site plan Ex.1, to which learned counsel only pointed out the way which is existing towards the further west, and not between the two properties. In that view of the matter, when in the two documents Ex.A/1 and Ex.A/2, the way is shown, it cannot be said that both the learned Courts below were in error in decreeing the counter claim of the defendants.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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